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Florence, New Jersey 08518-2323  
January 16, 2006

The Reorganization/Regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Board Clerk Erlston called the meeting to order at 7:30 P.M. followed by a salute to the flag.

Board Clerk Erlston then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Councilman John Fratinardo	John T. Smith
Mildred Hamilton-Wood	Phillip F. Stockhaus, III
Mayor Michael Muchowski	Gene DeAngelis
Thomas Napolitan	Sean Ryan
Dennis A. O'Hara (LATE)	

ABSENT: None

ALSO PRESENT: Solicitor Nancy T. Abbott  
Board Engineer Frank Morris  
Board Planner Carl Hintz

Solicitor Abbott called for Sean Ryan, John Fratinardo, Thomas Napolitan, Mildred Hamilton-Wood and Gene DeAngelis to stand while she administered the oath of office. The newly sworn members were then seated.

Board Clerk Erlston called for nominations for Chairman of the Board. Councilman Fratinardo nominated Ms. Hamilton-Wood. The nomination was seconded by Member Napolitan. Hearing no further nominations, motion was made by Fratinardo and seconded by Smith to close nominations. Motion unanimously approved by all members present. The Board then unanimously elected Mildred Hamilton-Wood as Chairperson. Chairperson Hamilton-Wood was then seated.

Chairperson Hamilton-Wood called for nominations for Vice Chairman. Motion of Fratinardo, seconded by Stockhaus to nominate Dennis O'Hara. Motion of DeAngelis, seconded by Napolitan to close nominations. Motion unanimously approved by all members present. The Board unanimously elected Dennis O'Hara as Vice Chairman.

Chairperson Hamilton-Wood called for nominations for Secretary of the Board. Motion of Fratinardo, seconded by DeAngelis to nominate John Smith. Motion of Stockhaus, seconded by DeAngelis to close nominations. Motion unanimously approved by all members present. The Board unanimously elected John Smith as Board Secretary.

Chairperson Hamilton-Wood called for nominations for Clerk of the Board. Motion of Fratinardo, seconded by Smith to nominate Nancy Erlston as Clerk of the Board. Motion of Fratinardo, seconded by Napolitan to close nominations. Motion unanimously approved by all members present. The Board unanimously elected Nancy Erlston as Board Clerk.

The Board moved on to the appointment of the Professional Staff. Motion was made by Smith, seconded by Stockhaus to nominate Nancy Abbott as Solicitor, Frank Morris as Engineer and Carl Hintz as Planner. Motion of DeAngelis, seconded as Napolitan to close nominations. Motion unanimously approved by all members present.

Member Fratinardo asked if the nomination was for the individual or the firms that were being nominated? Solicitor Abbott stated that it was the individuals and their firms. The Board unanimously approved the appointment of the Professional Staff.

Mayor Muchowski stated as a point of order that each of the appointments to the Board were actually re-appointments of standing members. Mr. Ryan is filling the Alternate 2 position that was a vacant position. Mr. DeAngelis has moved up to the Alternate 1 position. The Board was also re-appointing the Clerk of the Board and the Professionals. He thanked everyone for their past efforts and wished Mr. Ryan luck on his endeavors on the Board.

## RESOLUTIONS

### **Resolution PB-2006-01**

#### **Authorizing appointment of Planning Board Solicitor, Engineer and Planner.**

Motion of Stockhaus, seconded by Smith to approve resolution PB-2006-01. Motion unanimously approved by all members present.

### **Resolution PB-2006-02**

#### **Annual Schedule of Meetings of the Florence Township Planning Board.**

Motion of Smith, seconded by DeAngelis to approve resolution PB-2006-02. Motion unanimously approved by all members present.

### **Resolution PB-2006-03**

#### **Readopt the Florence Township Planning Board's Administrative Rules.**

3.

Motion of Fratinardo, seconded by Napolitan to approve resolution PB-2006-03. Motion unanimously approved by all members present.

**Resolution PB-2006-04**  
**Acknowledging the Presentation of the Long-Range Facilities Plan of the Florence Township School District.**

Motion of Napolitan, seconded by DeAngelis to approve Resolution PB-2006-04.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, Smith, Hamilton-Wood,  
DeAngelis  
NOES: None  
ABSENT: O'Hara

**Resolution PB-2006-05**  
**Continuing the application of Peoples Savings Bank for Preliminary and Final Major Site Plan approval for construction of a parking lot on Block 58, Lots 3 & 4, located in an NC Neighborhood Commercial District.**

Motion of Napolitan, seconded by Smith to approve resolution PB-2006-05.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, Smith, Hamilton-Wood,  
DeAngelis  
NOES: None  
ABSENT: O'Hara

**Resolution PB-2006-06**  
**Deeming complete and continuing the application of Harold M. Boston for Preliminary Major Subdivision approval for Block 147.01, Lot 3.03 located in an RA Low Density Residential District.**

Motion of Napolitan, seconded by DeAngelis to approve Resolution PB-2006-06.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, Smith, Hamilton-Wood  
DeAngelis  
NOES: None  
ABSENT: O'Hara

**Resolution PB-2006-07**  
**Granting Final Major Subdivision approval to Orleans Homebuilders, Inc.**  
**(“Bustleton Estates North”) for Block 160.01, Lot 5.01, located in an AGR**  
**Agricultural Residential District.**

Mayor Muchowski stated that he wanted to be sure that the resolution indicated that the Bustleton Estates North and Bustleton Estates South developments are consistent. The North development was approved with 30' cartways, parking allowed on one side of the street only, Belgian block curbing and gutters.

Rod Ritchie from Orleans stated that the South development is contingent on the comments from the DEP. If the DEP requires roadside swales and no curbs on the South side, then Orleans would want the North side to be consistent.

Solicitor Abbott stated that she would amend this application to say that all curbing, sidewalks, street widths and storm drains shall be consistent with Bustleton Estates South and if roadside swales are necessary they should be approved by the Board's professional staff.

Mayor Muchowski said that number 16 on page 7 of the resolution states that “all interior streets shall have a thirty foot (30') cartway, parking on only one (1) side of the street, Belgian block curbing and gutters.” He suggested adding a sentence stating, “that in the event that the approval on South deviates from this, the two (2) developments shall be consistent.”

Motion of DeAngelis, seconded by Smith to approve Resolution PB-2006-07 as amended by Mayor Muchowski.

Upon roll call the Board voted as follows:

YEAS:	Fratinardo, Muchowski, Napolitan, Smith, DeAngelis Hamilton-Wood
NOES:	None
ABSENT:	O'Hara

**MINUTES**

Motion of Napolitan, seconded by Fratinardo to approve the minutes from the regular meeting of December 19, 2005 as submitted. Motion unanimously approved by all members present.

**CORRESPONDENCE**

5.

Chairperson Hamilton-Wood stated that Correspondence B and M should be held for further discussion. Receive and file Correspondence A, C through L, M and O.

Motion by Muchowski, seconded by DeAngelis. Motion unanimously approved by all members present.

Vice Chairman O'Hara arrived at the meeting at 7:55 P.M.

Chairperson Hamilton-Wood called for application PB#2005-09 for Harold M. Boston. Applicant is requesting Preliminary Major Subdivision approval to develop Block 147.01, Lot 3.03 located on Railroad Avenue into 5 building lots and 1 basin lot.

Solicitor Abbott stated for the record that as was noted last month when the Board heard the Boston application, Council was considering an adoption of an ordinance that would change the zone. The ordinance was adopted and took effect on January 15, 2006. Consequently the Planning Board no longer has jurisdiction to hear this application. The application would require a Use variance. She stated that the Board members had a copy of a memo from the Township Solicitor William Kearns stating that Mr. Boston had filed an injunction at Superior Court. A complaint was filed before Judge Sweeney, on Friday January 13, 2006, to stop the Township from enacting the ordinance because of a defect in the notice. This injunction was denied so the ordinance is in affect. Pursuant to that ordinance residential use is no longer permitted. The zone is now SM and therefore the applicant will have to apply to the Zoning Board for a Use variance.

Solicitor Abbott stated that it would be appropriate at this time for the Board to dismiss the application due to lack of jurisdiction.

Motion of O'Hara, seconded by DeAngelis to dismiss application PB#2005-09 for Harold Boston due to lack of jurisdiction.

Upon roll call the Board voted as follows:

YEAS:	Fratinaro, Muchowski, Napolitan, Smith, O'Hara, DeAngelis, Hamilton-Wood
NOES:	None
ABSENT:	None

Chairperson Hamilton-Wood called for application PB#2005-11 for Orleans Homebuilders/Bustleton Estates South. Applicant is requesting Preliminary Major Subdivision approval with bulk variances to develop Block 170, Lot 1.01 located on Bustleton Road in AGR Agricultural Zone into 21 building lots and 1 basin lot.

Mayor Muchowski asked which members were eligible to vote. Solicitor Abbott stated that the hearing for this application was begun in November. Those who were present in

November and are eligible to vote are Fratinardo, O'Hara Smith, DeAngelis, Napolitan Stockhaus, Muchowski and Hamilton-Wood. All regular members can vote.

Edward A. Penberthy, attorney for the applicant, stated that the hearing for this application had begun at the November meeting. Solicitor Abbott stated that Mr. Citerone and Mr. Karmatz had both been sworn in November and remained under oath. Rod Ritchie, Approvals Manager, Orleans Homebuilders was sworn in by Solicitor Abbott.

Mr. Citerone stated that the plan had been changed from the November plan. In the previous plan there had been 3 market value lots that required variances. In the revised plan one of the market value lots had been removed. This leaves 17 market value lots that all meet the requirements of the zone. The COAH lots have been relocated closer to the entrance and farther away from the existing dwellings. Member Stockhaus asked how far this had been moved. Mr. Citerone stated that the COAH unit had been moved 150' over.

The plan now proposes a 30' wide cartway with curb and sidewalk on one side. The applicant met with the Burlington Township engineer and with Frank Morris to discuss concerns of regarding the stormwater basin. The spillway has been relocated and a stone trench in the bottom has been added as requested by Burlington Township. The entrance road was not relocated. This lines up with the entrance to the North development.

Member Stockhaus stated that the Board had discussed moving the affordable housing to another area in the development. He asked if any consideration was given to that or did they just move it over 150' and not consider any other area. Mr. Citerone stated that this scenario worked best with the lot configurations. Attorney Penberthy stated that there would be a buffering of pine trees along the edge of that parcel that is not shown on the plan. Chairperson Hamilton-Wood stated that the homeowners had required different buffers. Mr. Ronald Faga, 2018 Bustleton Road stated that they would like fencing or trees. Mr. Faga was told that he would have an opportunity to discuss the application during the public portion of the application.

Attorney Penberthy stated that the overview was complete and he suggested going to the review letters.

Mayor Muchowski stated that the Board had asked the applicant to find a more centralized location where the affordable housing units were blended and more absorbed into the community. There is concern with adding the septic systems for the 3 COAH units into the area with the existing homes. He suggested moving the location to across the street or to the "T" of the cul-de-sac where there is more open space to utilize the septic. He does not think that the Board is pleased with moving the COAH unit only 150'.

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Mr. Citerone stated that the configuration of the COAH lots works better with a rectangular lot. Planner Hintz stated that lot 177 would be a similar lot. The lots would still be long and skinny, but the back of the lots would be deed restricted for conservation easements. Attorney Penberthy stated that they would consider moving the affordable housing to lot 117 if the Board would grant any variances that would be created by this relocation. Chairperson Hamilton-Wood stated that the Board would be willing to consider any variances to make sure there are not too many septic systems too close together.

Rod Ritchie asked if moving the affordable housing to Lot 117 would really be further away from the existing system. Mr. Citerone stated that it would be farther away. The variances would probably be the same. Attorney Penberthy stated that they would be willing to relocate the affordable housing to Lot 117 if the Board would like them to. Chairperson Hamilton-Wood stated that the Board would be in favor of that move.

Chairperson Hamilton-Wood stated that they would start with the review letter from Engineer Morris dated January 11, 2006.

Item 1 Mr. Citerone stated that they did not find anything in the ordinance that requires open space in the AGR zone. Attorney Penberthy stated that they would like to do for active open space is to make a contribution in lieu of. Planner Hintz stated that it requires \$1,500 for every lot except the COAH lots.

Mr. Citerone stated that Items 2, 3, and 4 are acceptable.

Attorney Penberthy stated that they did not really understand Item 5. These are COAH units they are restricted in price. Engineer Morris said that he thought the longer lots would create a lot more maintenance. Attorney Penberthy stated that they could not control that. The price of the affordable homes is set by COAH.

Engineer Morris stated that the garage for the middle unit would be located at the end of the building on the adjacent lot. Attorney Penberthy stated that they were going to have cross easements for the driveway but each lot would take care of the footprint of the building (like a townhouse) that would accommodate the garages. There will be a common access easement for the driveway so there are not 3 driveways coming in.

Vice Chairman O'Hara asked if they could go back to Item 1 regarding the open space. Attorney Penberthy stated that they don't feel that there is any requirement for active recreation in that zone. Mayor Muchowski stated that the applicant said they would pay the recreation contribution as per the Township ordinance. Attorney Penberthy said that if the Township ordinance requires that they would do that.

Attorney Penberthy stated that Item 6 pertains to screening. He said that their feeling on the triplex is that they want to look like the other homes so they don't have any specific screening. Planner Hintz agreed with this.

Item 13 refers to the location of the stormwater management basin being 5' from the right of way. Attorney Penberthy suggested that the 2 engineers work this out by either moving the basin or requiring a fence to be installed around the perimeter. This would be a condition of final.

Mayor Muchowski stated that he had been asked to take it back to Council to find out how the Board should handle basins. Council has been reviewing this and even if the basin is moved back a bit it may still require a fence. Attorney Penberthy stated that there would be a fence to enclose the basin. He stated that what they are talking about in Item 13 is a guardrail for vehicular traffic.

Attorney Penberthy stated that they would provide the maintenance schedule (Item 15) at final. Items 16 and 19 are acceptable. Engineer Morris asked if some of the elevations would be adjusted. If so more cover would be required at the intersection.

Attorney Penberthy stated that the as-builts would be supplied (Item 26) and the other approvals will be provided (Item 27).

Attorney Penberthy stated that he did not see any real issues with Items 28, 29, or 30. Item 31 deals with fill and they will bring in however much fill is needed.

Member Napolitan asked if there would be French drains in the basements. Attorney Penberthy stated the Orleans generally tests the basements and there are header systems that are put in if necessary. Mr. Karmatz stated that they install headers and inside targing to make sure that there are no wet basements. Engineer Morris stated that the basements are going to be 2' above the seasonal high water table and they install a sump pump header discharge system.

Mayor Muchowski asked what was included in the COAH units. Attorney Penberthy stated that the Township's obligation is to bring the people in as required by COAH. He stated that he thought the Township had an obligation to do the advertising and keep a list of the different COAH units. Mr. Karmatz stated that Orleans has a great deal of experience in this and will work with the Township.

Attorney Penberthy referred to the review letter from Planner Hintz dated January 12, 2006. He stated that the application had been deemed complete and the waivers had been granted in November. He stated that there would be curbside recycling.

Attorney Penberthy stated that Item 6 refers to Senate Bill numbers 2696 and 2725 requiring that newly constructed affordable housing units be adaptable for use by elderly



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and disabled persons. Attorney Penberthy stated that they would comply with this if they have to.

Attorney Penberthy stated that they understand that they will have to get County approval for the septic systems (Item 6.1-2). Item 6.2-2 deals with the elevations. Attorney Penberthy thought they had supplied the elevations for the units. Planner Hintz asked if the elevations for the low and mod units were scaled drawings. Attorney Penberthy stated that they would supply them at Final.

Attorney Penberthy stated that Items 6.3-3, 6.3-4, and 6.3-5 were acceptable. Item 6.3-6 they will not use the burning bush. Mayor Muchowski asked if the applicant was going to meet the tree replacement ordinance. Attorney Penberthy stated that they would be meeting the tree replacement ordinance. Mr. Citerone stated that the landscape architect had done calculations. Planner Hintz stated that verification would have to be carried into the Final approval.

Mayor Muchowski stated that the application is still making reference to Springton Pointe Drive. The street names should come from the veteran's list. Rod Ritchie stated that he had gotten the street names off of the list.

Member Napolitan asked about the required 7' of fill dirt. Mr. Ritchie said that he thought this specific comment dealt with the area where the low and mod units are going to go. Basements are not proposed for these units so that figure will be revised. The grading will meet the requirements of the ordinance.

Chairperson Hamilton-Wood asked if any of the Board's Professional's had any additional comments. Solicitor Abbott stated that she wanted to check on the recreational open space. She stated that the section of the ordinance for the AGR zone does not mention contribution for recreation, but neither does the RA. She stated that she needed more time to review the ordinance and since the applicant had to come back with revised plans she would get that information for the next meeting.

Attorney Penberthy stated that he would like to have the revised plans as a condition of Final since all they were doing was moving the affordable housing units to the other side of the street. Solicitor Abbott said that there are variances required and the Board doesn't know what the dimensions of the variances are.

Attorney Penberthy stated that they were trying to accommodate the Board by moving the COAH units. Mayor Muchowski asked Solicitor Abbott what her specific legal concern was with granting the Preliminary with the revised plans as a condition of Final. Solicitor Abbott stated that the applicant has to provide proofs for the variance and the Board has to know what variances they are granting. She stated that they could grant Preliminary for this plan and then the plan would have to be revised.

Solicitor Abbott stated that if Mr. Citerone could give testimony as to what the required variances would be than the Board could grant Preliminary.

Motion of Smith, seconded by DeAngelis to open the meeting to the public. Motion unanimously approved by all members present.

Ronald Faga, 2018 Bustleton Road stood up to testify. Solicitor Abbott informed Mr. Faga that he was still under oath from the November meeting. Mr. Faga stated that he would like to talk about the location of the low to moderate income housing and also talk about the water situation. He expressed concern with filling a ditch, what will it do to adjoining properties. If the wetlands are filled water may drain onto his property.

Mr. Faga submitted 4 photographs of the site illustrating the standing water on the site. Solicitor Abbott marked the photos as Exhibit A1. He stated that just west of 2016 Bustleton Road there is a dry culvert. Water from the road, the land and the 4' basement is pumped out to the dry culvert and the water leaches back into the land. After a recent rain Mr. Faga called the Township because the dry culvert was overflowing. Since this was a County road the County sent a man out to pump out the culvert. The man doing the pumping said he would pump it out, but the water table was so high that it would fill back up again. The next morning the water was coming out of the culvert and running across Bustleton Road.

Mayor Muchowski said that he thought the applicant's engineer had testified about road improvements that the applicant has to do along the Bustleton Road area. This would be handled through the County Planning Board. As far as the wet areas on the rest of the property the applicant is required to have wetlands delineation through the state. There had also been a discussion as to regarding the ditching and looking to make sure what the effect would be to the surrounding area. He said he thought that the roadway system was going to replace that ditch. The applicant has to document through the engineering where that water is going to go. They cannot put that water on adjoining properties. Mr. Ritchie stated that they have to submit to the DEP for approval to fill the ditch. Mr. Faga asked what was his protection if the water came over on to his property. Mayor Muchowski stated that the applicant couldn't create new water sources. If there is an existing situation they cannot make it worse. They have to reduce the water runoff on the site. The protection depending on jurisdiction is the Township, County or DEP. Engineer Morris stated that everything is engineered to run down the cul-de-sac toward the basin. The applicant has to prove that they have reduced the amount of runoff from the property.

Mr. Faga stated that several of the adjoining homes are constantly pumping water out of their basements. Mayor Muchowski said that the applicant is held to a standard through the approval process that the lowest point elevation of the basement has to be 2' above the seasonal high water table mark.

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Mr. Faga asked if the septic would be built above ground. Attorney Penberthy said that the septic would have to satisfy the County Health Department. Mr. Faga asked if the topsoil would be leaving the site. Attorney Penberthy stated that they scrape the topsoil and redistribute it on the site.

Mr. Faga suggested moving the COAH units to a 10-acre lot. Attorney Penberthy stated that this is a premium lot and they would not like to put the COAH unit on it. Mr. Faga suggested other locations for the COAH unit. Mayor Muchowski stated that he felt that the applicant had come up with a good compromise on the location of the COAH unit.

Mr. Faga asked if Orleans would consider selling part of the lot behind his property. Attorney Penberthy stated that they had come in with an application for the lot configuration on their plan. This would be something that would have to be taken up with Orleans outside of the meeting.

Mr. Faga asked that the construction site and road be kept clean. Mayor Muchowski stated that any developer is supposed to keep the sites clean. If the roadway becomes muddy the Township and the County have required the builder to hire an outside street sweeping company.

Patrick Brady, 13 Philly Street, Burlington Township addressed the Board. Mr. Brady was still sworn from the November meeting. Mr. Brady stated that his only concern was water. He asked to be shown where the spillway had been moved. Mr. Citerone stated that he met with Mr. Brady, Attorney Penberthy, Engineer Morris and the Burlington Township Engineer to reconfigure the spillway. Mr. Citerone stated that they were able to show that the basin could handle back-to-back storms. Engineer Morris stated that for additional infiltration they put in stone trenches on the bottom of the basin. He said that there should be very little coming out. Mr. Brady stated that he wants it on record that there has been no water in his basement and no massive puddles in his back yard and he doesn't want any.

Mr. Faga asked if there was a 30' buffer. He was told that he was looking at the setback line not a buffer. The buffer or the fence would be within a few feet of the property line. The individual lot owners would maintain the buffers. There can be an easement around the buffer.

Fred Heydorn, 2018 Bustleton Road addressed the Board. Mr. Heydorn was still sworn from the November meeting. Mr. Heydorn asked what would happen if the electric goes out and the sump pumps stop. Attorney Penberthy stated that these basements are going to be 2' above the seasonal high water table and the expectation is that there will not be any flooding. The sumps are there as an extra measure that Orleans takes.

Motion of Stockhaus, seconded by DeAngelis to close the public portion of the meeting. Motion unanimously approved by all members present.

Attorney Penberthy requested that the application be amended to include the variances as follows:

Proposed Lot 1.17 lot size - 1 acre, lot width -90'  
 Proposed Lot 1.18 lot size - .75 acre, lot width -24'  
 Proposed Lot 1.19 lot size - 1 acre, lot width - 90'

Mr. Citerone said that the lots fan out in the back. Planner Hintz stated that the rear portions of the lots are going to be a conservation area so the homeowners won't have that long area to deal with.

Solicitor Abbott stated that there are variances requested for lot width and lot size. The conditions are that the applicant will work with the Township in setting up the COAH units, all dirt brought to the property will be certified clean fill, a Homeowners Association will be created for the maintenance of the open space and stormwater system in the common areas, fence or landscape buffer to be installed on the border of the existing lots will be determined at the time of Final approval, buffer will be maintained by the property owners with easements for the Homeowners association and the Township to maintain if necessary, the basin fencing will be maintained at time of Final, scaled elevations for low and moderate units will be submitted at time of Final, and the recreation contribution will be determined at time of Final approval.

Attorney Penberthy said that in their opinion the ordinance does not require the recreation contribution, but if they are wrong they will pay it.

Motion of O'Hara, seconded by Smith to approve application PB#2005-11 with the conditions as set forth by the Solicitor.

Vice Chairman O'Hara complimented the applicant for a very unique application that will compliment the community.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, O'Hara, Smith, Stockhaus, DeAngelis  
 Hamilton-Wood  
 NOES: None  
 ABSENT: None

Attorney Penberthy thanked the Board for their input on the application and stated that they enjoyed working with this Board.

The Board took a 5-minute recess. The Board returned to the regular order of business.

13.

Chairperson Hamilton wood called for application PB#2005-07 for Peoples Savings Bank. Applicant is requesting Preliminary and Final Major Site Plan approval for construction of a parking lot to the rear of the existing bank structure located at Broad and Front Street, Block 58, Lots 3 & 4, located in an NC Neighborhood Commercial District.

Jonas Singer, attorney for the applicant, stated that this was a continuation of a hearing for request for Preliminary and Major Site Plan approval with variances. At the last hearing there was a question regarding the location of the bus in relation to the bus stop and the bus shelter and the effects that would have on the vehicles moving out of the proposed parking lot. Mr. Singer asked the Bank manager at the branch to take a day and do a study of the bus stop. Also the applicant's engineer placed the bus on the drawings and in fact the drawings really are not accurate in that the front of the bus was really further back because of the wheels. The door on the bus is in front of the wheels.

John Mulholland, 13 Oakland Avenue, Yardville, NJ branch manager of the Peoples Savings Bank in Florence was sworn in by Solicitor Abbott. Mr. Mulholland stated that he studied the bus stop on Thursday, January 12, 2006 and Friday morning January 13, 2006. He said that he took 10 photographs on Thursday and 1 photograph on Friday morning. Solicitor Abbott marked the 11 photographs of the bus stop as exhibit A1.

Mr. Mulholland stated that he used the bus schedule to determine when to go out and view the bus stop. He said that on Thursday a total of 3 people got on the bus. The bus drove past the stop at 11:43 A.M. No one got off or on at that time. At 12:43 the bus stopped. The photograph indicated that the bus stopped at the middle of the shelter. One person got off the bus and one person got on the bus at this time. He stated for the next 5 hours no one got on or off the bus. The bus never came by at 4:43 P.M. Mr. Mulholland stated that he saw one person sitting on the bench waiting for the bus. He finally saw the bus go by at 5:21 P.M. and assumes that the person got on the bus. At 5:36 P.M. one person got on the bus and one person got off. On Friday morning at 9:43 A.M. the bus did not stop as no one was waiting. At 10:43 A.M. the bus stopped and one person got on to the bus. Mr. Mulholland stated that the last photograph shows where the bus actually stopped. There is a concrete apron and the bus stops at the apron so people do not have to step on the grass.

Chairperson Hamilton-Wood said that in two of the pictures you could see the back of a parked car. She asked if there were cars parked on Front Street? Mr. Mulholland said that cars parked on Front Street off and on throughout the day but not constantly.

Mr. Mulholland stated that the bus was approximately 1' to 2' from the curb.

Patrick Ennis, engineer for the applicant, showed where he had drawn the bus on the site plan. He explained that the bus he showed on the site plan has an axel close to the front.

If you look at the picture you can see that the NJTransit bus has an axel that is further back and the door is more to the front. The bus is about 36' probably an additional 6' back. Mr. Ennis said that as he showed on the site plan the corner of the bus is in the site triangle, but if you move it back 6' it would put it outside of the site triangle, so it wouldn't be in the site distance of a car making a right out of the proposed driveway.

Mr. Ennis stated that he had located the centerline of East Front Street on the plan. Mr. Ennis stated that on the site plan the bus was located 6' from the curb. Mayor Muchowski stated that Mr. Mulholland had testified that the bus was 1' to 2' from the curb. He asked if the bus was 2' from the curb where would it be in regards to the site triangle? Mr. Ennis stated that if the bus were 2' from the curb the corner of the bus would just touch the line of the site triangle.

Member Smith asked where he started the site triangle. Mr. Ennis said it was the center of the exit line 10' back from the curb. This is the County standard. Mr. Smith said there was 12' from the line outlining the shoulder back to the curb; someone could come out into the shoulder to see past the bus. Member Smith said that he did not see the problem with the bus being parked there and a car trying to come out into traffic.

Attorney Singer stated that on January 4, 2006 he wrote to NJTransit to inquire as to whether they had any written instructions to the bus drivers as to where to stop in relation to the bus shelter. He did not get a response from NJTransit on this.

Solicitor Abbott stated that she had marked the photos incorrectly. They should be exhibit A4. The copy of the letter to NJTransit would be marked as exhibit A5.

Attorney Singer stated that he did not have any more testimony. Chairperson Hamilton-Wood suggested the Board move on to the professional review letters.

Engineer Morris stated that his last report was dated January 10, 2006. Since then revised plans dated January 10, 2006 had been received and based on the revised plans Engineer Morris offered the following comments. The Land Surveyors plan has been added to the site plans satisfying Item 1-o.

Attorney Singer stated that the lots would be consolidated as required in Item 3.

Attorney Singer stated that the applicant will meet all the ADA requirements and red brick pavers will be placed in the handicap ramp as required.

Mayor Muchowski asked if the letter that Mr. Ennis had received from the County was available for the Board's review. Solicitor Abbott marked this letter dated January 13, 2006 as Exhibit A6. Attorney Singer stated that the applicant understands that any approval here is subject to County approval.

15.

Mayor Muchowski stated that this letter from the County still doesn't address the bus stop – it just lists that a variance is requested. Attorney Singer stated that the County doesn't have any problem with the bus stop. Mr. Ennis said that the variance is to use the County road instead of the Township road as the entrance. The standard is to use the Township road instead of the County road but they were able to ask for a variance due to the site layout.

Chairperson Hamilton-Wood asked if the architecture was changed. Attorney Singer stated that the façade on Front Street would change. There will be an overhang over the sidewalk.

Attorney Singer stated that this completed the applicant's testimony. Solicitor Abbott stated that she did not see any testimony regarding the criteria for the variances.

Mr. Ennis stated that there would be no addition to the footprint of the building. The entrance will move to the Front Street side and a ramp will be installed for handicap access. Both lots measure 6,000 square feet combined. 6 parking spaces are required by the ordinance. The spaces measure 10' x 20' and only 5 spaces will fit in the proposed parking area. A variance is required for number of parking spaces. There is no other area to put the parking lot on.

Mr. Ennis stated that the 15' buffer requirement couldn't be met due to the proximity of the neighboring property. There is a concrete wall between the properties and no way to create a buffer and maintain the parking area as proposed. Mr. Ennis stated that they are proposing landscaping to the east and a fence coupled with landscaping to the south.

Mr. Ennis stated that the lot depth and width are existing conditions. He also said that the project is not feasible without the granting of these variances because of the small size of the lot.

Member Smith asked if they would cut or disturb the wall on the south side of the site. Mr. Ennis stated that the grading would tie in to the existing grades that are there. All the grading stops at the property line. Member Smith stated that the wall is the property line. If Mr. Ennis cuts to his side he could expose the foundation of the wall. Mr. Ennis said the grade wouldn't go down. They would only cut in on their property and grade back. Mayor Muchowski said he didn't think there was enough room to grade back. There is 1' from the wall to the property line. Will this 1' of remaining dirt be strong enough to reinforce the wall? Attorney Singer said that the wall is not on their property and they don't expect to have any impact on the wall. Mr. Ennis said that the wall is 1' from the property line. They will come over 1' foot from the wall on their property and cut away. Mayor Muchowski asked how that 1' would stay in place? Mr. Ennis said they would stabilize this with grass. Engineer Morris said that there would be trouble stabilizing this area. Planner Hintz said if you had sufficient distance grass might be able to stabilize this

area, but concrete would be a better solution. Attorney Singer stated that they would stabilize with concrete.

Chairperson Hamilton-Wood asked Engineer Morris for an overview of the County letter.

Mayor Muchowski asked for the positive criteria for the variances and how many public parking spaces are being eliminated to allow for private parking.

Attorney Singer said the creation of the façade and remodeling of the existing building will enhance the neighborhood. It will improve the adjacent properties. The applicant had received many complaints from customers asking for improvements. They are proposing 5 off street parking spaces. Mr. Ennis said that there is 75' of curb that would be 3.5 legal spaces on Front Street that would be eliminated. Mayor Muchowski said they are really losing 90' of current parking. This would be over 4 spaces lost. Mr. Ennis said that the County was proposing no parking on Front Street.

Chairperson Hamilton-Wood suggested that the return to Engineer Morris' review letter.

Engineer Morris stated the Item 15 was satisfied, testimony had been given for Item 17, Items 18 through 22 have been satisfied, Item 23 a concrete foundation has been added to the fence post, Item 24 Mr. Ennis stated that he would comply. Items 32 and 33 regarding the curbing along on the side of the curbing along lot 5 don't make sense. Mr. Ennis stated that he would match the curbing.

Engineer Morris gave the Board an overview of the County's letter.

Planner Hintz stated that he had just received the plans on Thursday and did not have time to send a review letter. He said that there were several issues from his previous letter that had been satisfied on the revised plan.

Mayor Muchowski asked what the County letter said about the vehicles backing up out of the space into the driveway? Engineer Morris said this was the 20' versus the 25' from the right of way. Mayor Muchowski asked what would happen if the County still had a concern with parking space #5 backing out and changes the plan? This would make only 3 spaces and one handicap space. Attorney Singer stated that they would have to come back before the Board again. Chairperson Hamilton-Wood said that if the positive criterion was adding the parking spots and they lose one spot than the justification for the variance is gone.

Mayor Muchowski said he is still concerned about the one property where the homeowner/landlord does not want a fence for a buffer. He didn't feel that a small hedgerow of arbor vitae would protect the tenant who lives in the home from the light glare that would occur every single time a car backs up from the parking spaces.



17.

Planner Hintz stated that it would take 3 years to grow a thick hedge. Mayor Muchowski stated that in his opinion there should be a physical barrier. Member Napolitan asked if the applicant had spoken to the neighbors. Attorney Singer stated that he had written letters to both neighbors. The neighbor that the Mayor is referring to called Attorney Singer, stated that he rents the property out and lives out of town. He stated that he does not want a fence closing his property in.

Motion of O'Hara, seconded by Fratinardo to open the meeting to the public. Motion unanimously approved by all members present. Hearing no-one wishing to speak motion was made by O'Hara, seconded by Smith to close the public portion of the meeting. Motion unanimously approve by all members present.

Solicitor Abbott stated that the Board should move to grant or deny the application for Preliminary and Final Major Site Plan approval with bulk variances subject to conditions that the applicant comply with all items in the reports of the Board Planner, Board Engineer, and the January 13, 2006 letter from the Burlington County Planning Board. There will be no ATM machine without Board approval, lots 3 & 4 will be consolidated by deed, concrete will be installed along the southerly property line adjacent to the retaining wall, the buffer to the adjacent property to the south will be landscaping not a fence and the landscaping will be maintained by the bank, sidewalks on Broad Street and Front Street will be prepared.

Solicitor Abbott stated that more conditions might be added as she reviews the minutes and the testimony of the hearing.

Motion of Smith, seconded by Napolitan to grant Preliminary and Final Major Site Plan approval with variance and conditions as outlined by Solicitor Abbott.

Chairperson Hamilton-Wood asked if there were any questions on the motion.

Mayor Muchowski stated that he thought the Board had asked the applicant's engineer to provide them with site triangle related issues. He stated that he did not feel that the testimony given by the applicant had fully addressed the Board's concern regarding the sight triangle.

Attorney Singer said that he believed that they had demonstrated the bus did not interfere with the sight triangle from the driveway.

Mayor Muchowski asked Mr. Ennis to show him on the plan where the bus stops in relation to the bus stop and the curb. Mr. Ennis said the door of the bus stops at the cement pad. Even if this is 10' out into the street it is still out of the sight triangle. The bus stops for approximately 60 seconds. Vice Chairman O'Hara said that he could appreciate the Mayor's concern if this was a permanent obstruction within the sight triangle. If the bus is there people will not exit until they have a clear view. The picture

doesn't show that this is almost an acceleration lane. He does not see and problem with the driveway. He would be concerned if the County were to come back and eliminate one of the parking spaces. He stated that in his opinion the positives outweigh the negatives.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Napolitan, O'Hara, Smith, DeAngelis,  
Hamilton-Wood  
NOES: Muchowski  
ABSENT: None

Chairperson Hamilton-Wood called for application PB#2005-15 for Whitesell Construction Co., Inc. Applicant is requesting an amendment to the site plan approval granted under Resolution PB#2004-12. The requested amendment involves only the landscaping plans for property located at 1100 John Galt Way, Block 158, Lot 3.

Lynn McDougall stated that she was the attorney for the applicant. Terrance J. Huettl, Director of Development for Whitesell Construction Company was sworn in by Solicitor Abbott.

Mr. Huettl related that in 2001 Whitesell received Preliminary Major Site Plan approval for a half million square foot industrial building. This building is located at the Haines Industrial Park. In 2004 Whitesell received Final approval. The building is now constructed and is occupied by Home Depot. When Preliminary approval was granted in 2001 the Board had indicated that they desire to have the landscaping done in the fashion that was similar to the landscaping that Whitesell had done at the existing buildings on the Burlington portion of the Haines Center. Unfortunately between the approval of 2001 and the final approval in 2004 that change in the plans to respect the Board's desire to have similar landscaping didn't make it to the final plans. However, when Whitesell installed the landscaping they actually did do what the Board wanted which was the same as the landscaping in Burlington. When the Board Engineer went to inspect the landscaping he discovered that the landscaping on the plans didn't meet the landscaping out on the field. At this point Mr. Huettl contacted the Planner to resolve the issue and even though they did plant what the Board wanted them to plant it wasn't consistent to what was on the plan. Planner Hintz suggested that Whitesell submit and amended Site Plan application for the landscaping.

Mr. Huettl stated that the amended plan illustrates the landscape as it is. Planner Hintz stated that upon inspection the landscaping was found to be inconsistent with the plan but is consistent with the landscaping on the Burlington side. The difference was too much to be considered a field change. Planner Hintz said the landscaping is appropriate and should be consistent throughout the Haines Center. The burning bushes have been removed.

19.

Mayor Muchowski asked if this was the type of landscaping that the Board was looking to expand upon on the interior of the site. Planner Hintz stated that it was appropriate. The parking area is screened.

Mr. Huettl stated that there were 150 evergreen trees, 68 shade trees, 20 ornamental trees, 416 shrubs, 299 perennial flowers and grasses and 236 ground cover junipers for a total of 1,185 plantings for a single building. They spent \$87,000 on the plantings and another \$48,000 on a sprinkler system. Whitesell believes that this is a wonderful assortment of plants and would like to continue this type of landscaping throughout the Haines Center.

Mr. Huettl stated that in regard to completeness of the amended site plan, there were items that they did not provide due to the fact that they had been previously submitted.

Motion of Muchowski, seconded by Stockhaus to deem the application complete and approve the change in landscaping and incorporate a consistent approach to landscaping for future Haines Center sites.

Upon roll call the Board voted as follows:

YEAS:	Fratinaro, Muchowski, Napolitan, O'Hara, Smith Stockhaus, Hamilton-Wood
NOES:	None
ABSENT:	None

Chairperson Hamilton-Wood called for application PB#2005-16 for Ronald J. Patterson. Applicant is requesting Minor Site Plan approval to allow Griffin Pipe Products to construct a temporary stormwater storage tank on property located at 1100 West Front Street, Block 179, Lot 1.02.

Marc Stosman, attorney for Griffin Pipe, stated that the application for site plan approval to construct a stormwater storage tank on the property. This is a replacement storage for which is existing on site now, which is a number of smaller storage facilities as well as temporary tank storage to store the rainwater.

Chairperson Hamilton-Wood stated that the first issue to discuss was completeness. Attorney Stosman stated that they had requested a large list of waivers. He stated that Tom Ruddy from Griffin Pipe would testify as to why the submission waivers should be granted. Attorney Stosman stated that this would be a temporary facility to be installed above ground on an existing concrete slab where there had been a demolished building. There will no disturbance of topsoil at all. Griffin Pipe is in negotiation with the DEP to be permitted to discharge safely the excess stormwater into the Delaware River. Once the approval was granted this tank would be dismantled and removed.

Thomas Ruddy, environmental engineer for Griffin Pipe Products was sworn in by Solicitor Abbott.

Planner Hintz stated that there is a long list of completeness issues. This is a temporary facility, but the ordinance does require buffering, however recognizing that this is replacing an existing building the Board would have to determine how they wanted to handle this.

Mayor Muchowski stated that he understands that this is a working foundry, but instead of sinking money into what would be a temporary buffer would Griffin Pipe be willing to start at that end of the property to commit a certain amount of money to cleaning up from Woodlawn Avenue to the end of the property. Improve the fence, put a grass area out front to improve the appearance of the site.

Attorney Stosman stated that the stormwater tank would surely look better than the building it is replacing. He stated that he had not had a conversation with the client regarding improving the appearance of the site. He stated that he could speak with Griffin Pipe regarding this.

Attorney Stosman stated that the purpose of this application is regarding the client's ability to safely deal with the stormwater on site. Griffin Pipe uses the collected stormwater in their process instead of using the Municipal water supply for these processes. This tank will allow them to better deal with the excess rain we have had this year.

Mr. Ruddy related that they are currently storing approximately 400,000 gallons of stormwater in rental truck tanks.

Mayor Muchowski stated that the Board did not want to see Griffin Pipe accrue DEP fines. Under the ordinance there is a certain amount of buffering that is required. This can be put to a monetary amount determined by the Board and Griffin Pipe can put that sum to a defined use along Front Street that the Board and Griffin Pipe both agree upon.

Attorney Stosman said that he thought this was an excellent option and he would take this suggestion back to Griffin Pipe for discussion and then meet with the planner to talk about the buffer.

Attorney Stosman stated that there were a number of checklist items that did not seem to be directly applicable to this type of minor application. He would like to settle the issue of completeness.

Member Smith said that he disagreed that this was a minor application a 500,000 gallon tank is not minor. Member Smith asked to see the pictures of the tank. He asked how high the tank would be. Mr. Ruddy stated that it would be 5' high.

21.

Member Smith asked where this water was coming from. Mr. Ruddy stated that this was for rainwater. The DEP does not allow any rainwater that hits the site to be discharged to the river. The water must all be collected in tanks and then used in their process.

Member O'Hara stated that the plan calls for the tank to be 4'9" high. This would require a lot of buffering. Mr. Ruddy stated that the tank is 124' x 124' square.

Mayor Muchowski stated that this water is used as cooling water in the process. Griffin is in a catch 22 situation because of the hit that Hurricane Katrina had on the PVC market. Griffin Pipe is now creating a lot of smaller pipe to meet the demand of the public. This was never a really a product of theirs. This smaller product doesn't use as much of the water it gets recharged into the system. Typically they are building inventory of larger pipe at this time of the year, which uses more water, plus the rain, plus DEP said you have to get this done.

Mayor Muchowski asked how the water would get to the tank. Mr. Ruddy stated that piping would be laid to pump the water to the tank. The pipes will not be visible from Front Street. The pipes will be underground where it crosses the internal road. The tank is not covered.

Vice Chairman O'Hara asked if this tank would constantly have water in it? Mr. Ruddy stated that they expected there would be. Mayor Muchowski asked about mosquitos or health related issues. Mr. Ruddy stated that there was no difference to what was already there now. Vice Chairman O'Hara stated that this was closer to Front Street. Mayor Muchowski asked how long the temporary tank would be there. Mr. Ruddy stated 1 ½ to 2 years depending on the DEP.

Vice Chairman O'Hara said that he hoped that the applicant takes into consideration the buffering that the Mayor had requested.

Vice Chairman O'Hara asked if the Professionals were OK with the waivers that were requested. Planner Hintz stated that they should give explanation as to why the waivers were constructed.

Attorney Stosman stated that there was the possibility of a waiver being required.

Mr. Ruddy related that the company they are buying the tank from would install it. Mr. Ruddy stated that the company indicated that these tanks had never failed. Member Smith stated that if the tank failed the water would flood Front Street. Attorney Stosman stated that if the back wall failed the water would go toward the river.

Attorney Stosman stated that they would provide written justification as to why they are seeking a waiver. Solicitor Abbott suggested a professional meeting between the Board staff and the applicant.

Motion Fratinardo, seconded by Stockhaus to deny the waivers and deem the application incomplete.

Mayor Muchowski stated that he thought the applicant was asking the Board to let them know what items are so important on the checklist that they must be submitted or the application be deemed complete. Mayor Muchowski is looking for some commitment for permanent buffer along the Front of the site from Woodlawn to the property line on the right hand side of the site.

Vice Chairman O'Hara voiced a concern about the setback from the auxiliary structure, there may be a variance required for this. If a variance were identified additional notice would be required.

Solicitor Abbott stated that it would be a good idea to re-notice.

Attorney Stosman said he was sure he had heard that the Board would like to see elevations as well as contours to determine the runoff. Member Smith stated that the truck scale was not shown on the map.

Mayor Muchowski stated that the brochure on the tank says designed for short-term use up to 18 months. The applicant may want to find out what they would do if the DEP approval took longer than 18 months. The tank company may offer a higher grade product that has a longer life.

Member Stockhaus stated that a swimming pool has to be filled to a certain level or it will collapse into itself. What if there is a drought. Attorney Stosman stated that they could get information from the company regarding this. Mr. Ruddy stated that he did not think this was a problem. He thought that the tank was reinforced so that it would not collapse.

Upon roll call the Board voted as follows:

YEAS:	Fratinardo, Muchowski, Napolitan, O'Hara, Smith, Stockhaus DeAngelis, Hamilton-Wood
NOES:	None
ABSENT:	None

Chairperson Hamilton-Wood stated that the next item before the Board was the amendment to resolution PB#2005-36 for Crossroads East. Solicitor Abbott stated that when this resolution was adopted the resolution contained the standard COAH requirement that the applicant was required to conform to. However, there has been an agreement between the applicant and the Township that set forth different COAH requirements. That agreement will take precedence over the previous agreement. The Board will need to amend the resolution to read as follows:

23.

“The applicant shall provide a fair share of the affordable housing obligation to Florence Township in accordance with the provisions of the agreement between K. Hovnanian South Jersey Acquisitions, LLC and Township of Florence, executed on September 21, 2005, which is incorporated by reference herein.”

Motion of Fratinardo, seconded by DeAngelis to approve the amendment as read into the record.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, DeAngelis, Hamilton-Wood  
NOES: None  
ABSENT: None

Chairperson Hamilton-Wood stated that there were 2 other issues that the Board needed to review. First was the Whitesell/Hiros issue.

Mayor Muchowski stated that there was a letter from Solicitor Abbott that stated that Whitesell had satisfied the conditions of the approval. Member Smith stated that they hadn't satisfied the conditions as outlined in the resolution. Solicitor Abbott stated that the conditions of the resolution was that they had to comply with the report of the Environmental Commission. This was removing the culvert. If they have removed the culvert they have complied. If it has not been removed then they haven't complied.

Member Napolitan stated that the earthen road was supposed to be removed. Engineer Morris stated that the culvert was gone. The road adjacent to culvert was gone, but the rest of the road remained.

Mayor Muchowski asked again if Whitesell had met the conditions of the resolution. Chairperson Hamilton-Wood read from the resolution testimony and conditions of the resolution. The Board had a discussion as to whether or not the conditions of the resolution had been met.

Chairperson Hamilton-Wood said that she did not see any reference to removing the roadway in the actual resolution. Solicitor Abbott stated that there had been informal dialogue between Mr. Huettl and Mr. Hiros regarding the roadway. Solicitor Abbott stated her concern that Mr. Hiros has come before the Board a number of times and given his personal observation as to what is occurring. He has a problem on his property and he feels it is a result of something that is occurring on the Whitesell property. Her concern is that a professional engineer has not backed up this claim. In this case there is not a firm basis to know what is causing the problem on Mr. Hiros' property and what Whitesell can be required to do to alleviate it without some expert engineering testimony on Mr. Hiros' part.

Mayor Muchowski said that Mr. Hiros' point was that Whitesell didn't go to DEP, but then the culvert failed and they had to remove it. So whether Whitesell did this by choice or necessity that area was addressed. Engineer Morris doesn't seem comfortable that Whitesell had fulfilled their obligations and Solicitor Abbott seems to think they did.

The Board had a further discussion regarding whether or not the earthen road had been removed. Engineer Morris drew a cross section of the culvert and the earthen road that was left after the storm washed out the culvert. Engineer Morris stated that the stream is not restricted in any way, but the road and silt still remains in the streambed. The question is did Whitesell agree to clean the streambed.

Mayor Muchowski stated that he would visit the site and take photographs of the area and report back to the Board for the next meeting.

The next item of business was the appointment of a member of the Planning Board to the Environmental Commission. After a brief discussion Mayor Muchowski stated that the appointment would be made at the February meeting.

Motion was made and seconded to adjourn the meeting.

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John T. Smith, Secretary

JTS/ne